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Defendant Nortek Air Solutions, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NORTEK AIR SOLUTIONS, LLC, *formerly known*
as CES GROUP, LLC

Plaintiff and Counterclaim-Defendant,

v.

ENERGY LABS, INC., DMG CORPORATION,
and DMG NORTH, INC.

Defendants and Counterclaim-Plaintiffs.

CASE NO. 5:14-cv-02919-BLF

Hon. Beth Labson Freeman

**STIPULATION AND PROPOSED
ORDER REGARDING POST-TRIAL
BRIEFING SCHEDULE [CIV. L.R. 6-2]**

Dept: Courtroom 3 – 5th Floor
Judge: Honorable Beth Labson
Freeman

Pursuant to Civil Local Rule 6-2, Plaintiff and Counterclaim Defendant Nortek Air Solutions, LLC (“Nortek”) and Defendants and Counterclaim Plaintiffs Energy Labs, Inc., DMG Corporation, and DMG North, Inc. (“Defendants”) (collectively, the “Parties”), by and through their counsel of record, hereby jointly submit the following Stipulated Request in the above-captioned matter:

WHEREAS, the Parties submitted renewed motions for judgment as a matter of law and motions for new trial on September 9, 2016 (collectively, “the Post-Trial Motions”);

WHEREAS, responses to the Post-Trial Motions would be due September 23, 2016 and replies due on September 30 under the normal briefing schedule;

WHEREAS, the Parties agree that an enlargement of time to respond to the Post-Trial Motions from September 23 to October 12, 2016 and to reply to the Post-Trial Motions from September 30 to October 26, 2016 would permit the Parties to review the record and focus the issues brought to the Court’s attention;

WHEREAS, the requested enlargement is not prohibited by Fed. R. Civ. P. 6(b)(2); and

WHEREAS, the requested enlargement will not affect the December 8, 2016 date noticed for hearing on the Post-Trial Motions or otherwise impact the schedule;

NOW, THEREFORE, the Parties hereby stipulate to, and jointly request that the Court grant, the following modifications to the briefing schedule to the Parties’ Post-Trial Motions:

Event	Original Date	Proposed Date
<i>Responses in Opposition to Motion for Judgment as a Matter of Law Pursuant to FRCP 50(b) and Motion for New Trial Pursuant to FRCP 59(a)</i>	9/23/2016	10/12/2016
<i>Replies in support of Motion for Judgment as a Matter of Law Pursuant to FRCP 50(b) and Motion for New Trial Pursuant to FRCP 59(a)</i>	9/30/2016	10/26/2016
<i>Hearing Date</i>	Noticed for 12/8/2016	

1 Dated: September 16, 2016

Respectfully submitted,

2 SIMPSON THACHER & BARTLETT LLP

3 /s/ Jason M. Bussey

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11
12
13 Dated: September 16, 2016

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25 Attorneys for Defendants/Counterclaimants
ENERGY LABS, INC., DMG CORPORATION and
26 DMG NORTH, INC.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED this ____ day of _____, 2016.

HON. BETH LABSON FREEMAN
United States District Judge

ATTESTATION OF SIGNATURES

I, Brandon H. Brown, attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: September 16, 2016

KIRKLAND & ELLIS LLP

/s/ Brandon Brown
Brandon Brown

Attorneys for Defendant/Counterclaimant
ENERGY LABS, INC., DMG CORPORATION and
DMG NORTH, INC.